

**A SUBSTITUTE RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT NUMBER COA-0012 PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING NATIONAL IPA #083004 WITH THE TORO COMPANY FOR PARKS AND GROUNDS MAINTENANCE EQUIPMENT FOR TWO (2) YEARS WITH THREE (3) ONE-YEAR RENEWAL OPTIONS ON BEHALF OF THE CITY OF ATLANTA IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00) TO BE CHARGED TO AND PAID FROM CITY OF ATLANTA DEPARTMENTS, AS DEFINED BY THE CITY OF ATLANTA CHARTER, WITH ADOPTED FISCAL YEAR APPROPRIATIONS IN FUNDED DEPARTMENTAL FUND/DEPT.-ORG./ACCOUNT/FUNCTION ACTIVITY (FDOA) LOCATIONS.

WHEREAS, the City of Atlanta ("City") desires to enter into a citywide cooperative purchase agreement number COA-0012 with The Toro Company for Parks and Grounds Maintenance Equipment utilizing National IPA Contract #083004.

WHEREAS, the City continues to require the use of Parks and Grounds Maintenance Equipment to perform the city's daily operations; and

WHEREAS, pursuant to Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, the Chief Procurement Officer may procure supplies or construction items through contracts established by a public procurement unit where such contracts and contractors substantially meet the requirements of the Purchasing and Real Estate code; and

WHEREAS, the Chief Procurement Officer recommends the execution of a citywide cooperative purchasing agreement number COA-0012 with The Toro Company utilizing National IPA #083004 for Parks and Grounds Maintenance Equipment in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00).

WHEREAS, this cooperative agreement was competitively procured in a manner consistent with Division 4 of the City's Procurement Code, and the cost of the goods and/or services are comparable.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or his designee is authorized to execute, on behalf of the City of Atlanta, a citywide cooperative purchasing agreement number COA-0012 with The Toro Company for two (2) years with three (3) one-year renewal options utilizing National IPA #083004 for Park and Grounds Maintenance Equipment in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00) to be charged to and paid from City of Atlanta Departments, as defined by the City of Atlanta Charter, with adopted fiscal year appropriations in funded departmental Fund/Dept.-Org./Account/Function Activity (FDOA) locations.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer in consultation with the City Attorney is directed to prepare an appropriate document for execution by the Mayor.

BE IT FINALLY RESOLVED, that the agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to The Toro Company.

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

11-*R*-0662

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT NUMBER COA-0012 PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING NATIONAL IPA #083004 WITH THE TORO COMPANY FOR PARKS AND GROUNDS MAINTENANCE EQUIPMENT FOR TWO (2) YEARS WITH THREE (3) ONE-YEAR RENEWAL OPTIONS ON BEHALF OF THE CITY OF ATLANTA IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PREVIOUSLY APPROPRIATED FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS: (VARIOUS ACCOUNTS).

WHEREAS, the City of Atlanta ("City") entered into a citywide cooperative purchase agreement number COA-0012 with The Toro Company for Parks and Grounds Maintenance Equipment utilizing National IPA Contract #083004.

WHEREAS, the City continues to require the use of Parks and Grounds Maintenance Equipment to perform the city's daily operations; and

WHEREAS, pursuant to Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, the Chief Procurement Officer may procure supplies or construction items through contracts established by a public procurement unit where such contracts and contractors substantially meet the requirements of the Purchasing and Real Estate code; and

WHEREAS, the Chief Procurement Officer recommends the execution of a citywide cooperative purchasing agreement number COA-0012 with The Toro Company utilizing National IPA #083004 for Parks and Grounds Maintenance Equipment in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00).

WHEREAS, this cooperative agreement was competitively procured in a manner consistent with Division 4 of the City's Procurement Code, and the cost of the goods and/or services are comparable."

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or his designee is authorized to execute, on behalf of the City of Atlanta, a citywide cooperative purchasing agreement number COA-0012 with The Toro Company for two (2) years with three (3) one-year renewal options utilizing National IPA #083004 for Park and Grounds Maintenance Equipment in an amount not to exceed One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) to be charged to and paid from previously appropriated FDOA numbers: (Various Accounts).

BE IT FURTHER RESOLVED, that the Chief Procurement Officer in consultation with the City Attorney is directed to prepare an appropriate document for execution by the Mayor.

BE IT FINALLY RESOLVED, that the agreement will not become binding on the City, and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to The Toro Company.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: FINANCE/EXECUTIVE

Caption:

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT NUMBER COA-0012 PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING NATIONAL IPA #083004 WITH THE TORO COMPANY FOR PARKS AND GROUNDS MAINTENANCE EQUIPMENT FOR TWO (2) YEARS WITH THREE (3) ONE-YEAR RENEWAL OPTIONS ON BEHALF OF THE CITY OF ATLANTA IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PREVIOUSLY APPROPRIATED FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS: (VARIOUS ACCOUNTS).

Requesting Dept.: Procurement

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The City of Atlanta would like to enter into a citywide cooperative purchasing agreement number COA-0012 with The Toro Company for Parks and Grounds Maintenance Equipment for a period of two (2) years with three (3) one-year renewal options in an amount not to exceed \$150,000.00

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City of Atlanta has an ongoing need to purchase maintenance equipment throughout the year to address day-to-day operational and maintenance issues. The DOP has identified The Toro Company as a source for Parks and Grounds Maintenance Equipment and has identified National IPA Contract #083004 with The Toro Company as an appropriate governmental contract from which to cooperatively purchase the Parks and Grounds Maintenance Equipment.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Parks and Grounds Maintenance Equipment
- (b) **Source Selection:** Cooperative Purchase – National IPA- Contract #083004
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:** two (2) years with three (3) one-year renewals

4. Fund Account Center (*Ex. Name and number*): Various Accounts

5. Source of Funds:

6. Fiscal Impact: \$150,000.00

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Patricia Lowe, Buyer

Legislation Summary

Committee of Purview:

Caption

A resolution authorizing the Mayor to execute an appropriate citywide contractual agreement number COA-0012 on behalf of the City of Atlanta with The Toro Company in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00). All contract work shall be charged to and paid from previously appropriated fund account and center number: (Various Accounts).

Council Meeting Date: May 02, 2011

Legislation Title: Resolution authorizing the Chief Procurement Officer to utilize the National IPA Contract #083004 with The Toro Company for the purchase of Parks and Grounds Maintenance Equipment for two (2) years with three (3) one-year renewals on behalf of the City of Atlanta in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00). All contract work shall be charged to and paid from previously appropriated fund account and center number: (Various Accounts).

Requesting Department: Department of Procurement

Contract Type: N/A

Source Selection: National IPA Contract #083004

Bids/Proposals Due: N/A

Invitations Issued: N/A

**Number of Bids/
Proposals Received:** N/A

Bidders/Proponents: N/A

Justification Statement: N/A

Background: N/A

Fund Account Centers: Various Accounts

Source of Funds: N/A

Fiscal Impact: N/A

Term of Contract: N/A

Method of Cost Recovery: N/A


Approval:

DOF:


DOL:


Prepared By: Patricia Lowe, Buyer

Contact Number: 404.330.6583

[HOME](#) [ABOUT US](#) [AGREEMENTS](#) [CONTACT US](#) 

[READY TO PURCHASE?
CLICK HERE](#)
[CONTRACT HIGHLIGHTS](#)
[DOCUMENTATION](#)
[PRICING & ORDERING](#)
[DISTRIBUTORS](#)
[NEED MORE INFO?](#)
[NEWS, EVENTS, ETC](#)

 **GOING GREEN?**
We can help!


 **Count on It.**

**PARKS AND GOLF GROUNDS
MAINTENANCE EQUIPMENT**
Competitively Solicited
CITY OF TUCSON, AZ

Contract Highlights:

- Contract Term: October 15, 2007 through October 15, 2008
- National aggregate pricing resulting in immediate savings
- Discount on equipment, attachments and accessories
- Award includes Commercial, Landscape Contract products
- "Smart Value Program" volume incentive program discount off Toro's Commercial list price, agencies and any of the Toro contract products

SEARCH OUR AGREEMENTS:



National Intergovernmental Purchasing Alliance Company
1600 Westgate Circle, Suite 275, Brentwood, TN 37027
Toll-Free (866) 408-3077 | info@nationalipa.org

CONTRACT AMENDMENT

CITY OF TUCSON
DEPARTMENT OF PROCUREMENT
265 W. ALAMEDA, 8TH FLOOR
TUCSON AZ 85726-7210

CONTRACT NO. 083004
CONTRACT AMENDMENT NO. 4
PAGE 1

CONTRACT OFFICER: LLOYD B. WINDLE II/SWB

THIS CONTRACT IS AMENDED AS FOLLOWS:

PARKS AND GROUNDS MAINTENANCE EQUIPMENT

The City of Tucson Contract No. 083004-01, is hereby **RENEWED** for an additional period beginning **October 15, 2010** and ending **October 14, 2011** pursuant to Special Terms and Conditions, Item 7.

All other terms, conditions and provisions shall remain the same and apply for the renewal period.

A. The following price sheets are valid for the referenced time frame:

1. 2011 Commercial Products Price List dated November 1, 2010 - October 31, 2011.
2. 2011 Toro Landscape Contractor Equipment (LCE) price sheet dated November 1, 2010 - October 31, 2011.
3. 2011 Compact Utility (Dingo) Equipment price sheet dated November 1, 2010 - October 31, 2011.

B. The following clauses are added to the Standard Terms and Conditions section of the referenced contract.

40. CERTIFICATION OF COMPLIANCE WITH A.R.S. SEC. 35-393 ET SEQ.: By signing this contract, the Contractor certifies that it does not have scrutinized business operations in Iran as required by A.R.S. sec. 35-393 et seq. If the City determines that the Contractor has submitted a false certification, the City may impose remedies as provided in the Tucson Procurement Code up to and including termination of this contract.

41. CHILD/SWEAT-FREE LABOR POLICY: The Contractor shall comply with all applicable provisions of the United States Federal and State Child Labor and Worker's Right laws and agrees if called upon to affirm in writing, that they, and any subcontractor involved in the provision of goods to the City, are in compliance.

42. FEDERAL IMMIGRATION LAWS AND REGULATIONS: Contractor warrants that it complies with all Federal Immigration laws and regulations that relate to its employees and complies with A.R.S. § 23-214(A) and that it requires the same compliance of all subcontractors under this Contract. Contractor acknowledges that pursuant to A.R.S. § 41-4401 and effective September 30, 2008, a breach of this warranty is a material breach of this Contract subject to penalties up to and including termination of this Contract. The City retains the legal right to audit the records of the Contractor and inspect the papers of any employee who works for the Contractor to ensure compliance with this warranty and the

Contractor shall assist in any such audit. The Contractor shall include the requirements of this paragraph in each contract with subcontractors under this Contract.

If the Contractor or subcontractor warrants that it has complied with the employment verification provisions prescribed by sections 274(a) and 274(b) of the Federal Immigration and Nationality Act and the E-verify requirements prescribed by A.R.S. § 23-214(A), the Contractor or subcontractor shall be deemed to be in compliance with this provision. The City may request proof of such compliance at any time during the term of this Contract by the Contractor and any subcontractor.

ALL OTHER PROVISIONS OF THE CONTRACT SHALL REMAIN IN THEIR ENTIRETY.

CONTRACTOR HEREBY ACKNOWLEDGES RECEIPT OF
AND UNDERSTANDING OF THE ABOVE AMENDMENT.

THE ABOVE REFERENCED CONTRACT AMENDMENT

IS HEREBY EXECUTED THIS 4th DAY

OF October, 2010, AT TUCSON, ARIZONA.

Signature

Date

Peter E. Whitacre 10-2-2010
Typed Name and Title

The Toro Company
Company Name

8111 Lyndale Ave. S.
Address

Bloomington, MN 55420
City State Zip

Mark A. Neilhart
Mark A. Neilhart, C.P.M., CPPB, A.P.P. CPM
As Director of Procurement and not personally

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ Patricia Lowe _____

Contact Number: _____ (404) 330-6583 _____

Originating Department: _____ Department of Procurement _____

Committee(s) of Purview: _____ *Jessie (K) Lee* _____

Chief of Staff Deadline: _____ April 08, 2011 _____

Anticipated Committee Meeting Date(s): _____ April 26-27, 2011 _____

Anticipated Full Council Date: _____ May 02, 2011 _____

Legislative Counsel's Signature: _____ *[Signature]* _____

Chief Information Officer: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____ *[Signature]* _____

CAPTION

Mayor's Staff Only

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT NUMBER COA-0012 PURSUANT TO SECTION 2-1601 ET. SEQ. OF THE CITY OF ATLANTA CODE OF ORDINANCES, UTILIZING NATIONAL IPA #083004 WITH THE TORO COMPANY FOR PARKS AND GROUNDS MAINTENANCE EQUIPMENT FOR TWO (2) YEARS WITH THREE (3) ONE-YEAR RENEWAL OPTIONS ON BEHALF OF THE CITY OF ATLANTA IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM PREVIOUSLY APPROPRIATED FUND, DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS: (VARIOUS ACCOUNTS).

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)



CITY OF ATLANTA


Kasim Reed
Mayor

SUITE 1790
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330-6204 Fax: (404) 658-7705
Internet Home Page: www.atlantaga.gov

DEPARTMENT OF PROCUREMENT
Adam L. Smith, Esq., CPPO, CPPB
Chief Procurement Officer
asmith@atlantaga.gov

MEMORANDUM

TO: Councilmember Yolanda Adrean,
Chair, Finance Executive Committee

FROM: Adam L. Smith 

RE: National IPA Contract #083004

DATE: April 7, 2011

This memorandum is to certify that the above-referenced Cooperative Agreement was competitively procured in a manner consistent and pursuant to sections 2-1602, 2-1604, 2-1606 and 2-1608 of the Procurement and Real Estate Code. We reviewed the terms of the Agreement and determined that the costs for the goods/services are competitive and comparable.

If you have any questions or need additional information, please do not hesitate to contact me.